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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057845
Party	Defendant Clariant International AG
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Date	05/30/2014
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MULTISORB TECHNOLOGIES, INC.,)	Canc. No.: 92057845
)	
Petitioner,)	
)	
v.)	
)	
CLARIANT AG,)	
)	
Registrant.)	

AMENDED ANSWER AND AFFIRMATIVE DEFENSES OF CLARIANT AG
REGISTRANT'S ANSWER

Registrant Clariant AG ("Registrant") hereby states the following for its Answer:

1. Registrant is without sufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 1 and, therefore, denies the same.
2. Registrant admits the statements contained in Paragraph 2.
3. Registrant is without sufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 3 and, therefore, denies the same.
4. Registrant denies the allegations made in Paragraph 4.
5. Registrant admits the allegations made in Paragraph 5.
6. Registrant admits that its referenced registration for OXY-GUARD issued on October 12, 2010 for "packaging containers of plastic" in International Class 20 but denies the remaining allegations made in Paragraph 6.
7. Registrant notes that Petitioner misidentified various entities listed in Paragraph 7 and, therefore, denies the allegations made in Paragraph 7.
8. Registrant denies the allegations made in Paragraph 8.

9. Registrant denies the allegations made in Paragraph 9.
10. Registrant denies the allegations made in Paragraph 10.
11. Registrant denies the allegations made in Paragraph 11.
12. Registrant admits the statements made in Paragraph 12.
13. Registrant denies the allegations made in Paragraph 13.
14. Registrant denies the allegations made in Paragraph 14.
15. Registrant denies the allegations made in Paragraph 15.
16. Registrant denies the allegations made in Paragraph 16.
17. Registrant denies the allegations made in Paragraph 17.
18. Registrant denies the allegations made in Paragraph 18.

AFFIRMATIVE DEFENSES

Applicant hereby states the following for its Affirmative Defenses:

1. The relief sought by Petitioner is barred by the doctrine of unclean hands based on the fact that Petitioner has engaged in inequitable conduct directly related to the subject matter of this litigation in that Petitioner filed this petition to cancel in bad faith, solely as a means of retaliating for the fact that Registrant has successfully opposed applications for confusingly similar marks filed by Petitioner. In addition, Petitioner filed the petition to cancel for an improper purpose, to prevent Registrant from competing with Petitioner and to cause Registrant to suffer undue burden, harassment and annoyance and to needlessly increase the costs to Registrant to maintain its registration. In addition, on information and belief, Petitioner alleged that Registrant's mark is merely descriptive with actual knowledge that this allegation is untrue and unfounded in law and fact.

2. Petitioner's claims are barred because Registrant's mark is inherently distinctive.

In view of the foregoing, Registrant requests that the notice of cancellation be dismissed.

CLARIANT AG

By: 

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Clariant AG

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amended Answer and Affirmative Defenses was served via first class mail, postage prepaid on counsel for Petitioner J. Christopher Lynch of Lee & Hayes, PLLC, Suite 1400, 601 W. Riverside Avenue, Spokane, Washington 99201 on May 30, 2014.

